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Atty. Docket No.: P69160US0

**REMARKS**

The Office Action mailed May 19, 2005, has been carefully reviewed and, by this Amendment, claims 1-9 have been amended, and new claims 10-17 have been added. Accordingly, claims 1-17 are pending in the application. Claims 1 and 10 are independent. In view of the amendments and the following remarks, favorable reconsideration of this application is respectfully requested.

As an initial matter, Applicants have corrected informalities noted in the specification, including adding the appropriate terminology in conjunction with use of the trademark VELCRO. The phrase "semi-rigid" has also been added to more definitely describe what is meant by "relatively stiff" and to provide support for the corresponding claim language presented herein. This is not new matter as this descriptive phrase is consistent with the nature of the representative materials listed on page 8. Informalities noted in the abstract have also been corrected.

The Examiner objected to the drawings as containing informalities. With this Amendment, Applicants have provided a replacement drawing sheet with formal drawings of Figures 1-4. Entry thereof is requested.

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**IN THE DRAWINGS:**

Applicants have enclosed a replacement drawing sheet with formal drawings of Figures 1-4. Entry thereof is requested.

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The Examiner rejected claims 1-4 and 6-8 under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 5,968,024 to Freeman. Under 35 U.S.C. 103(a), the Examiner rejected claim 5 as being unpatentable over Freeman in view of U.S. Patent No. 3,825,005 to Fenton, and rejected claim 9 as being unpatentable over Freeman in view of U.S. Patent No. 4,755,177 to Hill.

As clarified in amended claim 1 and further set forth in new claim 10, the present invention is directed to a collecting bag for human body wastes including a bag member formed by first and second film blanks and having a longitudinally extending discharge portion that extends between two end sections of the film blanks to a distal end. *The second film blank is longer than the first film blank, with the additional length thereof forming an extension that extends beyond a distal edge of the first film blank.* This is not shown by Freeman.

Additionally, according to the claimed invention, a discharge opening is formed *between the extension and the distal edge of the first film blank.* This also is not shown by Freeman.

Furthermore, claims 1 and 10 set forth that a first semi-rigid plate member is positioned on the first film blank *adjacent the first film blank distal edge,* and a second semi-

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rigid plate member is positioned on the extension of the second film blank adjacent the discharge opening. Freeman does not disclose or suggest this structure.

Finally, according to claims 1 and 10, the distance between the distal edge of the first plate member and the proximal edge of the second plate member is smaller than the thickness of the first plate member. This also is not taught by Freeman.

Freeman discloses a collecting bag including a bag member and a discharge portion. In essence, the discharge portion of Freeman is closed by the cooperation of two adhesive areas, which may be constituted by different areas on a single unitary film blank as shown in Figure 1 thereof, or by two adhesive areas arranged side by side of one of two film blanks as shown in Figures 5A-5D and 6A-6C, or by two adhesive areas placed on opposite sides of a single tubular film blank as shown in Figures 7A-7C. In the embodiments referred to by the Examiner, these areas are denoted as "adhesive layer 30" in Figure 1, "adhesive area 72" and "further adhesive area 70" in Figures 5A-5D, and "first adhesive area 80" and "second adhesive area 82" in Figures 7A-7C.

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In the embodiment of Figures 5A-5D, the adhesive area 72 is reinforced with backing material (see column 6, lines 57-65) that may be said to provide one plate member. However, Freeman discloses such a reinforcing backing material only in connection with the adhesive area 72, and only in the embodiments of Figures 5A-5D and 6A-6C (column 7, lines 3-7). Hence, the further adhesive area 70 does not constitute a plate member.

Furthermore, none of the embodiments of Freeman disclose the length of the second film blank being longer than the first film blank to form an extension as claimed. The embodiment of Figure 1 shows a single unitary film blank forming the receptacle 8 and having an opening 26 on one side. In the embodiments of Figures 5A-5D and 6A-6C, the film blanks are shown as being of equal length, i.e., there is no extension. Consequently, the discharge opening is not formed *between the extension and the distal edge of the shorter film blank*. In fact, the discharge opening 26 of Freeman is formed in such a way that the adhesive area 72 surrounds the opening 26 (see column 6, lines 20-21 and 58). Finally, in the embodiment of Figures 7A-7C, there is no extension and the discharge opening is at the end 43 of a single tubular film blank, and hence also cannot be

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formed between the extension and the distal edge of the shorter of two film blanks.

In addition to the fact that Freeman discloses only one plate member, the adhesive area 72 and the adhesive area 70 are positioned *on the same* film blank. Consequently, there are no first and second plate members positioned on the first and second film blanks, respectively, as required by claims 1 and 10.

Still further, the dimensions of the adhesive areas are not specified in Freeman and it is noted that the dimension referred to by the Examiner regarding the "width" (column 6, lines 52-53) does not refer to the width of the adhesive areas but the *height in the longitudinal direction* of the space 78. This space is relied upon by the Examiner as corresponding with the "the distance" between adjacent edges of the two plate members as defined in claim 1. However, the text of Freeman cited by the Examiner as describing the first and second plate members discusses the "adhesive area 72", the "further adhesive area 70", and the "third adhesive area 74". The discharge opening is formed in the adhesive area 72, and the further adhesive area 70 is above the area 72. The third adhesive area 74 is described and shown to be "spaced apart from" the further adhesive area 70 (column 6, lines 22-24) and thus has no

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relationship with the discharge opening. Hence, the distance 78 referred to by the Examiner, which is the distance between the further adhesive area 70 and the third adhesive area 74, does not relate to the distance between the adhesive areas 70 and 72 at all, let alone to the thickness of any of the adhesive areas, and cannot be considered to have any correlation with the spacing between the first and second plates on either side of the discharge opening as claimed by the present invention.

For at least the foregoing reasons, claims 1 and 10 are not anticipated by Freeman. Claims 1 and 10 are also not obvious in view of Freeman as Freeman is silent on the possibility of providing one of the film blanks in the discharge portion with an extension, and of providing two semi-rigid plate members, one on each of the film blanks, with the relative positional relationship as claimed. The addition of Fenton or Hill is also insufficient to suggest the present invention as neither of these patents disclose or suggest the inclusion of two plate members, one on either side of the discharge opening, together with the spacing required in each of claims 1 and 10. Claims 1 and 10 are therefore patentable over the prior art.

Claims 2-9 and 11-17 are also in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein. Particularly, the

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prior art does not teach or suggest two plate members arranged side by side longitudinally, the first plate member being wholly on one side of the discharge opening and the second plate member being on an extension and wholly on the opposite side of the discharge opening, as set forth in claim 17.

As a final matter, Applicants note that U.S. Patent No. 4,755,177 to Hill was not included in the PTO-892 provided with the present Office Action. Therefore, Applicants request that the Examiner, in the next Action, provide a PTO-892 listing Hill in order to ensure that, upon the identification of allowable subject matter and issuance of the present application as a patent, Hill is included on the issued patent within the list of references considered during prosecution.

With this amendment and the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance.



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Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

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